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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,641	04/15/2004	Scott C. Olive	273402005400	1431
7590 01/11/2008 Mr. Chris George Mcandrews, Held & malloy, Ltd. 500 West Madison Street Suite 3400 Chicago, IL 60661			EXAMINER WONG, JEFFREY KEITH	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/826,641

Applicant(s)

OLIVE, SCOTT C.

Examiner

Jeffrey K. Wong

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/15/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/8/2005, 8/30/2004
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Australia on 4/15/2003. It is noted, however, that applicant has not filed a certified copy of the 2003901786 application as required by 35 U.S.C. 119(b).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 10-11, and 15, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk (GB 2,083,935) in view of Adams (US 2003/0114215).

Re claim 1: Kirk discloses a spinning reel type gaming machine (Figs. 1-2), the gaming machine providing a base game in which images of symbols are spun up on a plurality of reels to present on a display a matrix of symbols (Fig. 2) and, if a winning event occurs in the base game, including the occurrence of a winning combination of symbols along at least one of the pay lines, the gaming machine awards a prize (Page 2, lines 30-35), and wherein on the occurrence of a bonus feature triggering event during play of the base game (Page 2, lines 35-37), the gaming machine provides at least one bonus feature (Page 1, lines 83-90), and wherein a player of the gaming machine is constrained to wager a single amount on each play of the base game without choice of

other wagering options (Page 2, lines 20-27), the wager providing eligibility to all pay lines of the game and eligibility to the at least one bonus feature (Page 2, lines 20-46). However, Kirk fails to disclose a non-square matrix of symbols, and in which at least five distinct pay lines are defined across the reels. Adams discloses such (Fig. 3; Para. 0009). Kirk also fails to disclose of there being no ante-bet for the at least one bonus feature, wherein play of the base game and at least one bonus feature on the gaming machine tailored for a player based on the single amount of the wager allowed at the gaming machine. However, Adams discloses of a single wagering unit activating a plurality of pay lines (Abstract) as well as a modern multi-line gaming machine that does allow the player to activate all pay lines with a single wager because it is less time consuming (paras. 0007 and 0009).

Therefore, in view of Adams, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to vary the display, the number of reels, and the number of pay lines. Another motivation to combine Kirk and Adams is that wagering on modern multi-line gaming machines can be time consuming. Therefore, it would be convenient to players to simplify the process by allowing players to bet on all pay lines with a single wager as disclosed in paragraphs 0007 and 0009 of Adams.

Re claims 2, 5, 11, 15, and 18: Kirk discloses wherein there is only one button which initiates a play of the base game (Page 2, line 26).

Re claim 3: Kirk discloses a spinning reel type gaming machine as claimed in claim 1 wherein the display is a video display unit displaying simulations of spinning reels (Page 1, lines 69-71).

Re claims 10 and 17: Kirk discloses a gaming machine having a display (Fig. 2) and a game controller arranged to control images displayed on the display (Page 2, lines 20-25), the gaming machine being arranged to play an underlying game in which a prize is paid when a predetermined combination of symbols is displayed in a predetermined arrangement of symbol locations displayed on the display (Page 2, lines 30-35), and wherein a player is constrained to wager a single amount on each play of the underlying game (Page 2, lines 20-27) which provides eligibility to win the prize for all arrangements of symbol locations for which the prize may be paid, as well as eligibility to at least one bonus feature provided in the game (Page 1, lines 83-90) without choice of other wagering options (Page 2, lines 20-46).

However, Kirk fails to disclose arranged to display on the display a plurality of symbols in an array of  $n$  rows and  $m$  columns, where  $n$  and  $m$  are at least 3 and unequal, and there being at least five arrangements of symbol locations for which the prize may be paid. Adams discloses such (Fig. 3; Para. 0009). Kirk also fails to disclose of there being no ante-bet for the at least one bonus feature, wherein play of the base game and at least one bonus feature on the gaming machine tailored for a player based on the single amount of the wager allowed at the gaming machine. However, Adams discloses of a single wagering unit activating a plurality of pay lines (Abstract) as well as a modern

multi-line gaming machine that does allow the player to activate all pay lines with a single wager because it is less time consuming (paras. 0007 and 0009).

Therefore, in view of Adams, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to vary the display, the number of reels, and the number of pay lines. Another motivation to combine Kirk and Adams is that wagering on modern multi-line gaming machines can be time consuming. Therefore, it would be convenient to players to simplify the process by allowing players to bet on all pay lines with a single wager as disclosed in paragraphs 0007 and 0009 of Adams.

4. Claims 4, 7-9, 12-14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk/Adams, and further in view of Vancura (US 6,033,307). The teachings of Kirk/Adams have been discussed above.

Re Claim 4, 12, and 19: Kirk/Adams fails to disclose that the bonus game contains a progressive prize.

Vancura teaches a bonus game (20) with a progressive jackpot award (Fig. 1; Col. 13, Lines 1-20).

Therefore, in view of Vancura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kirk/Adams' gaming machine to include a progressive jackpot prize for players who participate in the bonus rounds in order to increase a player's excitement and interest in the gaming machine and its bonus

features due to a larger jackpot.

Re Claim 7-9, 13-14, and 20-21: Kirk/Adams fails to disclose that the bonus game is a series of free games/plays and that the winnings in the bonus rounds are increased compared to the payouts in the underlying game.

Vancura teaches a bonus game (20) that is played until a losing symbol appears in the bonus game and the bonus game offers multipliers and increased winnings for the player (Fig. 1; Col. 11, Lines 7-10; Col. 13, Lines 66-67; Col. 14, Lines 1-3).

Therefore, in view of Vancura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kirk/Adams' gaming machine to include a series of free rounds/games offering increased winnings and multipliers in order to increase a player's interest and prolonged gaming activity at the gaming machine due to the opportunity to win a higher payout from the bonus games.

5. Claims 6, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirk (GB 2,083,935) and Adams (US 2003/0114215) in further view of Muir (US 2001/0016513).

Re claims 6 and 16: Kirk and Adams fail to disclose of "gamble", "take win", "collect", and "reserve" buttons.

However, Muir discloses of a slot machine (Para 1) that have a bank of buttons arranged on a midtrim for various operations of the machine (Para 23) as a means of retaining customer loyalty and attracting new customers(Para 2).

Therefore, in view of Muir, it would have been obvious to incorporate various operational buttons on the midtrim as a means of attracting new customers as taught by Muir.

### ***Response to Arguments***

Applicant's arguments filed 10/5/2007 have been fully considered but they are not persuasive.

Applicant alleges that neither Kirk nor Adams nor Vancura appear to contain a teaching or a suggestion that a player playing the gaming machine is constrained to a wager a single amount on each play of the base game without choice of other wagering options. The Examiner disagrees. Adams discloses in the Abstract of how a single wagering unit activates a plurality of pay lines. In this case, a wagering unit can be viewed as the single amount wagered for play of the base game. While a wagering unit can consist of a plurality of credits, it is not the amount of credits being discussed but the fact that a wagering unit is still considered a single unit being wagered for play of a machine with a plurality of paylines activated.

Applicant alleges that Vancura fails to disclose a series of free games. The Examiner disagrees. Vancura discloses of playing until a losing symbol appears in a bonus game (Col 11, Lines 7-10) which means the non-winning-symbol games played would therefore be free.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW



**JOHN M. HOTALING, II  
PRIMARY EXAMINER**